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July 28, 2000

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Counter TW-A325  
The Portals, 445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: 0173-EX-ST-2000, WA9XHY  
Ex Parte Submission of Northpoint Technology, Ltd.  
ET Docket No. 98-206, RM-9147, RM-9245

Dear Ms. Salas:

This morning Sophia Collier, President of Northpoint Technology, Ltd. and BroadwaveUSA sent the enclosed letter and its attachment to the Chairman with copies to the Commissioners and members of the Commission staff as noted therein. Ms. Collier's letter discusses testing conducted by EchoStar Satellite Corporation and DirecTV, Inc. in Oxon Hill, Maryland pursuant to experimental license WA9XHY.

An original and eight copies of this letter and the enclosure are submitted for inclusion in the public record for the above-captioned proceedings. Please direct any questions concerning this submission to the undersigned.

Respectfully submitted,



David H. Pawlik  
Counsel for Northpoint Technology, Ltd.

encl.

cc: Pantelis Michalopoulos  
James H. Barker

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July 27, 2000

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VIA FACSIMILE

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William E. Kennard  
Federal Communications Commission  
The Portals, 445 Twelfth Street, S.W.  
Room 8-B201H  
Washington, D.C. 20554

RE: Written *Ex Parte* Communication in ET Docket Nos. 98-206  
RM-9147, and RM-9245

Dear Chairman Kennard:

While Northpoint intends to file a formal response to the DirecTV/Echostar report, filed on July 25, 2000, in the near future, we thought you might be interested in the attached summary response. Thank you for your attention.

Sincerely,

Sophia Collier  
President

cc: Commissioner Susan Ness  
Commissioner Michael Powell  
Commissioner Harold Furchgott-Roth  
Commissioner Gloria Tristani  
Clint Odom  
Brian Tramont  
Mark Schneider  
Peter Tenhula  
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Julius Knapp  
Bruce Franca  
Tom Derenge  
Jim Burtle  
Geraldine Matise

## Northpoint Response to DBS Testing Report

### Executive Summary

#### DBS Fails to Document Consumer Harm from Northpoint

In its experimental report the DBS industry has once again created a hypothetical scenario of worst-case interference and then claim it is the general case for all Northpoint operations.

*For all of its effort, DBS did not demonstrate that there was a single actual DBS customer who was, or even could have been, adversely impacted by the interference DBS claims to have created in Oxon Hill, Maryland.*

In their recent report, DBS claims to have replicated Northpoint planned deployment for a site in Oxon Hill, Maryland and it presents signal readings for several sites immediately surrounding the DBS terrestrial transmitter. Without any substantiation, DBS incorrectly claims these readings are representative of the average DBS customer experience and then completes the false picture by extrapolating from its hypothetical customer experience impact in Oxon Hill to customer impact throughout the United States.

Later, in its full report, Northpoint will demonstrate that DBS did not replicate the Northpoint system as it claimed and did not use the parameters specified by Northpoint in its "Conceptual Deployment," a Northpoint filing made to the FCC which DBS claims to have used as the basis for its effort to replicate Northpoint. However, regardless of actual differences between a correctly engineered Northpoint deployment and the DBS terrestrial operations at Oxon Hill, the most important finding of the DBS report is that it did not document any actual consumer impact.

Customer impact, not hypothetical signal levels must be the standard used to judge harmful interference. While DBS presents readings taken immediately in the vicinity of its terrestrial transmitter in parking lots and road sides, it does not show that operation of a Northpoint system at the Oxon Hill location would have had any impact whatsoever on any actual DBS subscribers in the larger Oxon Hill community.

As Northpoint has presented to the FCC on many occasions, the Northpoint signal is highest in the first 500 – 1500 feet surrounding its transmitter and rapidly falls off in power as the signal moves out into the service area. It is only in this tiny area near the transmitter, representing less than 0.25% of its service area, where there is any potential for any impact at all on DBS customers. Northpoint has developed a wide range of mitigation techniques to prevent harmful interference within this tiny area the most basic of which is to make sure that it locates its transmitters in such a manner where this tiny mitigation zone will be contained in regions where there are few if any DBS customers. Like other Northpoint cells, the Oxon Hill site was designed using this principle.

In the DBS report, much is made of the potential for impairment to Echostar's satellite at 61.5 degrees West by DBS' terrestrial operations. However, in Northpoint's analysis that accompanies its plan for deployment at Oxon Hill, Northpoint shows that there are actually no households at all within the 15 dB contour where DBS claims the highest impact and only four total households at all within the 20 dB contour cited with such alarm by DBS. Northpoint chose the Oxon Hill location for exactly this reason, just as each Northpoint transmitter site will be individually chosen and engineered to eliminate the possibility of interference to DBS from Northpoint.

What about those four households? What is the likelihood that these homes would actually suffer the impairment claimed by the DBS industry and what can be done about it if they did? The first factor that must be accounted for is natural shielding. According to Northpoint's national survey of DBS customers conducted in July of 1999, 86% of all DBS dishes are installed such that they are shielded from the back and thus cannot be impacted by interference. Thus, even if 100% of the public used DBS services from 61.5 degrees only 14% of the 4 households or 0.56 homes might be exposed to the Northpoint signal. However, in reality only Echostar broadcasts from 61.5 degrees and it serves fewer than 4% of all homes. Accounting for these two factors the odds are 98 out of 100 that there would *not* be a DBS customer who could actually experience the interference the DBS industry claims. If such a customer existed at Oxon Hill, DBS would surely have brought them forward.

In the unlikely event that a subscriber did exist in this area and if that customer experienced the interference claimed by DBS, Northpoint has demonstrated that any interference caused could be 100% remedied by mitigation techniques, one of which is the Fortel antenna demonstrated by Northpoint during DBS operations. One of the procedures that DBS attempted at Oxon Hill was a use a "test to failure" methodology and increased its power in steps until its small dish antenna failed to operate. To demonstrate how a Fortel planar array antenna could mitigate even extreme cases such as the DBS terrestrial operations, Northpoint operated the Fortel planar array side by side with the small dish antenna. Even when the small dish antenna had totally failed to receive a video signal due to extreme power levels generated by DBS, the planar array continued to receive the DBS signal in a quasi-error free manner.

In summary, the DBS report is nothing new. It reiterates, rather than supplements previously filed DBS material opposing Northpoint. Most importantly, DBS did not document any risk of actual consumer harm from the operation of the Northpoint system.